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1 2	DANA McRAE, State Bar No. 142231 County Counsel, County of Santa Cruz JULIA HILL, State Bar No. 178672 Assistant County Counsel 701 Ocean Street, Room 505 Santa Cruz, California 95060 Telephone: (831) 454-2040	
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4	Fax: (831) 454-2115	
5		
6	Attorneys for Defendants COUNTY OF SANTA CRUZ,	
7	SANTA CRUZ COUNTY JAIL	
8	UNITED STATES DISTRICT COURT	
9	NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION	
10	*E-FILED - 8/9/05*	
11		
12	DAVID TURNER, and all others interested,	Case No. C-05-02714 RMW
13	Plaintiff,	ORDER TO CONTINUE
	v.	HEARING ON MOTION TO DISMISS
14	STATE OF CALIFORNIA, SANTA CRUZ	Current Hearing Date: August 12, 2005
15	STATE PARK DISTRICT, RANGER JOHN BUCHANAN, DOES 1-10 EMPLOYEES,	Requested Hearing Date:
16	COUNTY OF SANTA CRUZ, SANTA CRUZ	September 9, 2005
17	COUNTY JAIL,	
18	Defendants.	
19		
20	TO THE HONORABLE RONALD M. WHYTE AND TO PLAINTIFF DAVID TURNER AND HIS ATTORNEY OF RECORD:	
21		a
22	On July 1, 2005, Defendants COUNTY OF SANTA CRUZ and SANTA CRUZ COUNTY	
23	JAIL ("Defendants") removed this action to this Court and filed a Motion to Dismiss under FRCP	
24	12(b)(6) ("Motion"). On July 13, 2005, this Court set Defendants' Motion for hearing on August 12	
	2005, at 9:00 am in Courtroom 6 of the United States District Court in San Jose.	
25	Counsel for Defendants respectfully applies herein to continue this hearing date to	
26	September 9, 2005, at 9:00 am in Courtroom 6 if possible. Counsel for Defendants is on vacation	
27	on August 12 and no one else from her office is available to appear on this motion. Co-defendants	
28	State of California et al. have set their motion to dismiss on September 9, 2005. Further, Pro Se	
	Plaintiff DAVID TURNER has agreed to this new	date and has yet to file any opposition to the

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Motion. Continuing this Motion would permit Plaintiff time to file his opposition and would permit appearance by Trial Counsel Julia Hill. Respectfully submitted, Dated: August 2, 2005 DANA McRAE, COUNTY COUNSEL By: s/ Julia Hill JULIA HILL **Assistant County Counsel** Attorneys for Defendants COUNTY OF SANTA CRUZ and SANTA CRUZ COUNTY JAIL IT IS SO ORDERED. /s/ Ronald M. Whyte U.S. DISTRICT JUDGE Date: 8/9/05

PROOF OF SERVICE 1 2 I, the undersigned, state that I am a citizen of the United States and employed in the County 3 of Santa Cruz, State of California. I am over the age of 18 years and not a party to the within action. 4 My business address is 701 Ocean Street, Room 505, Santa Cruz, California 95060. On the date set 5 out below, I served a true copy of the following on the person(s)/entity(ies) listed below: 6 APPLICATION TO CONTINUE HEARING ON MOTION TO DISMISS 7 by service by mail by placing said copy enclosed in a sealed envelope and placing the 8 envelope for collection and mailing on the date and at the place shown below following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service with 10 postage fully prepaid. 11 by express or overnight mail by depositing a copy in a post office, mailbox, sub-post office, substation, mail chute, or other like facility regularly maintained by the United States Postal 12 Service for receipt of express mail or a mailbox, mail chute, or other like facility regularly maintained by an overnight mail company, in a sealed envelope, with express mail postage paid 13 addressed to the below listed person(s). 14 by **facsimile service** at the number listed below and have confirmation that it was received 15 16 David Turner (*Plaintiff in Pro Se*) P.O. Box 8130 17 Santa Cruz, CA 95061 18 Bill Lockyer (Counsel for Defendants, State of California, et al.) 19 Paul T. Hammerness **Troy Overton** 20 **Attorney General's Office** 455 Golden Gate Ave., Ste. 11000 21 San Francisco, CA 94102-7004 22 I declare under penalty of perjury that the foregoing is true and correct. Executed August 2, 23 2005, at Santa Cruz, California. 24 s/ Douglas D. Collins 25 DOUGLAS D. COLLINS 26 DANA McRAE, COUNTY COUNSEL COUNTY OF SANTA CRUZ 27 701 Ocean Street, Room 505 Santa Cruz, California 95060-4068 28 **Telephone: (831) 454-2040** Facsimile: (831) 454-2115

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